

REMARKS

Status of the claims

Claims 12-15 are pending. Claims 12-15 are rejected. Claims 1-11 and 16-18 were canceled previously. Claims 12-15 are canceled herein. New claims 19-30 are added. No new matter is added.

New claims

Claims 12-15 are canceled in favor of representing these claims in copending application U.S.S.N. 08/844,731 from which they were canceled to overcome a provisional statutory double patenting rejection with the instant application.

New claims 19-22 are drawn to a method of preventing destructive joint disease associated with rheumatoid arthritis (RA) in an individual with an earlier stage of rheumatoid arthritis by ingesting IFN- α so as to immediately swallow the IFN- α . As recited in new claims 23-26, ingesting IFN- α also reduces inflammation associated with rheumatoid arthritis. As recited in new claims 27-

30, ingesting IFN- α also reduces levels of interleukins IL-1, IL-6, IL-8 in an individual with rheumatoid arthritis.

The specification teaches that individuals immediately swallowing a dose of IFN- α within the range of 50 I.U./kg to about 25,000 I.U./kg (pg. 78, ll. 15-18) demonstrate reduced levels of spontaneous or mitogen-induced secretion of interleukins IL-1, IL-6 and IL-8 from cells obtained from individuals with rheumatoid arthritis (pg. 20, ll. 10-12; pg. 81, ll. 15 to pg. 82, ll. 8, Fig. 23). These interleukins, when present in the joint synovium or when recruiting inflammatory cells into the synovium, can exacerbate rheumatoid arthritis, induce bone resorption, induce an inflammatory response and amplify and perpetuate inflammation (pg. 84; ll. 25 to pg. 85, ll. 9). After ingesting IFN- α all patients exhibited a reduction in the count of painful joints and in the count of swollen joints (pg. 83, ll. 5-10; Table 2). Reduction or elimination of these responses in early stage rheumatoid arthritis can prevent rheumatoid arthritis from progressing to the stage of joint destruction (pg. 85, ll. 17-24).

Objections to the Drawings

Applicant encloses herewith a set of corrected drawings in compliance with 37 C.F.R. 84.

Corrected Combined Declaration and Power of Attorney

Applicant submits herewith a Combined Declaration and Power of Attorney in compliance with 37 C.F.R. 1.63 correcting the defects listed in the Notice of Informal Application mailed March 27, 1998.

The 35 U.S.C. §102(e) rejection

Claims 12-15 are rejected under 35 U.S.C. §102(e) as being anticipated by Sobel (U.S. 5,780,021). Applicant respectfully traverses this rejection.

Applicants have canceled claims 12-15 rendering the rejection moot. Accordingly, Applicants respectfully request that the rejections of claims 12-15 under 35 U.S.C. §102(e) be withdrawn.

This is intended to be a complete response to the Office Action mailed July 30, 2003. If any issues remain outstanding, the Examiner is respectfully requested to telephone the undersigned

attorney of record for immediate resolution. Applicant believes no fees are due, however, if this in error, please debit any fees due from Deposit Account No. 07-1185 on which Applicant's counsel is allowed to draw.

Respectfully submitted,

Date: Oct 30, 2003



Benjamin Aaron Adler, Ph.D., J.D.
Registration No. 35,423
Counsel for Applicant

ADLER & ASSOCIATES
8011 Candle Lane
Houston, Texas 77071
(713) 270-5391 (tel.)
(713) 270-5361 (facsimile)
badler1@houston.rr.com